

## **REMARKS**

### **I. Continued Examination Under 37 CFR 1.114**

In the Office Action dated April 13, 2010, the Examiner indicated that a request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. The Examiner further indicated that since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. The Examiner thus entered the Applicant's submission filed on December 18, 2009.

### **II. Response to Arguments**

In the Office Action dated April 13, 2010, the Examiner indicated that Applicant's arguments with respect to claims 127-175 have been considered but are moot in view of the new ground(s) of rejection. The Examiner indicated that Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Claims 152, 164 and 175 have been cancelled. Claims 127, 134, 138, 139, 145, 146, 147, 148, 151, 153, 154, 159 and 165 have been amended. Claims 127-151, 153-163, and 165-174 remain pending.

Applicant believes that the arguments and declaration presented herein now overcome the aforementioned rejection to claims 127-175 including the new ground(s) or rejection. Applicant therefore respectfully requests reconsideration of the application and claims.

### **III. Claim Rejections – 35 USC § 103**

#### ***Verna, AAPA, Leermakers***

In the Office Action dated April 13, 2010 Claims 127-137 were rejected under 35 U.S.C. 103(a) as being unpatentable over Verna (US Patent 6,681,398), in view of Applicant's Admitted Prior Art (AAPA), and further in view of Leermakers (US Pub. 2003/0105845).

**Regarding claim 127**, the Examiner asserts that Verna discloses the use of a method for transmitting within an entertainment venue from at least one of a plurality of in-play cameras at least one of a plurality of venue-based in-play camera views (column 4, lines 1-42, column 7, lines 22-49, and column 8, lines 30-32; transmitter 134 transmits image data from plural cameras around the sporting event) for display with at least one of a plurality of authorized hand held devices (column 17, lines 5-10, column 21, line 46 – column 22, line 20, and figure 1: 220; the image data is transmitted to plural authorized hand held devices 220), said method comprising the steps of a transmitter transmitting the at least one in-play camera view from at least one of a plurality of in-play camera locations associated with each at least one in-play camera within said entertainment venue over a communications network (column 4, lines 1-42, column 7, lines 22-49, and column 8, lines 30-32; transmitter 134 transmits image data from plural cameras around the sporting event) for viewing by at least one handheld device authorized to receive and process said at least one in-play camera view (column 17, lines 5-10, column 21, line 46 – column 22, line 20, and figure 1: 220; the image data is transmitted to plural authorized hand held devices 220), processing said at least one in-play camera view for display on at least one of a plurality

of displays associated with said at least one hand held device (column 16, lines 16-25), enabling said at least one display, to display said at least one in-play camera view on said at least one said hand held device (column 16, lines 59-65), a media content (column 9, line 62 - Column 10, line 7, and column 11, 18-32; the media content is considered to include the image data and auxiliary data) comprising of at least one in-play camera view (column 12, lines 63-67), venue activity statistics (column 4, lines 53-61), venue activity interactive menu (column 16, lines 34-50, and column 17, lines 34-48; an interactive menu is sent in order for the user to select desired data), audio feeds (column 16, lines 34-50, and column 17, lines 34-48), event scheduling information (column 4, lines 53-61; the data is considered to include team/event or other information, which can include information about upcoming events that are scheduled), and encryption (column 10, lines 52-65), and said transmitter is responsible to upload said media content to said communications network to distribute to the at least one handheld device (column 11, lines 18-32, and column 12, lines 63-67), wherein said at least one handheld device comprises includes onboard hardware explicitly responsible to parse and manipulate said media content for displaying on said at least one display in said venue (column 14, lines 24-42, column 16, lines 59-65, and column 17, line 18 – column 18, line 63).

The Examiner asserts that Verna discloses that the transmission can be performed using any known transmission means (column 11, lines 55-63), and argued that the handheld devices can be a known electronic device (column 13, lines 48-67), and further admitted that Verna fails to explicitly disclose that the transmission is done over a cellular telecommunications network, that the at least one handheld device includes at least one of a

plurality of video – and data-enabled cellular telephones and PDA capabilities.

The Examiner argues that Applicant discloses in the specification that the use a cellular communication network for data transmission is well known in the art (page 64, lines 14-20). The Examiner asserts that since Verna discloses that the transmitter can use any known transmission means (column 11, lines 55-63), it would therefore be obvious to one of ordinary skill in the art to use a cellular communication network for data transmission, since it is a known transmission means.

The Examiner further argues that Leermakers discloses the use of a handheld device that includes video- and data-enabled cellular telephones and PDA capabilities (paragraph 0032). The Examiner argues that Leermakers teaches that the use of handheld device that includes video- and data-enabled cellular telephones and PDA capabilities is preferred in order to provide a personal multimedia appliance that has fully integrated multimedia processing capabilities, that is compact and inexpensive, and has the capability to run, in real-time, a broad spectrum of different software applications (paragraphs 0006-0009).

Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art to modify the primary reference of Verna to include the use of a handheld device that includes video- and data-enabled cellular telephones and PDA capabilities in order to provide a personal multimedia appliance that has fully integrated multimedia processing capabilities, that is compact and inexpensive, and has the capability to run, in real-time, a broad spectrum of different software applications, as Examiner argued, suggested by Leermakers.

Claim 127 has been amended. It more clearly specifies that a transmitter in applicants invention transmits "media content including venue activity statistics, venue activity interactive menu, audio feeds, event scheduling information, and encryption and at least one in-play camera view from at least one of a plurality of in-play camera locations associated with each at least one in-play camera within said entertainment venue over a cellular telecommunications network and a 802.11 data network to at least one handheld device located inside and outside of the entertainment venue, said at least one handheld device including at least one of a plurality of video- and data-enabled cellular telephones and PDAs capabilities and authorized to receive and process said media content, wherein said transmitter is responsible to upload said media content to said cellular communications network to distribute to the at least one handheld device, and wherein said at least one handheld device comprises said at least one cellular telephone with onboard hardware explicitly responsible to parse and manipulate said media content for displaying on said at least one display in said venue."

The Applicant respectfully disagrees with Examiner's assessment in light of the new amendments. Neither Verna nor Leermakers alone or in combination with one another teach in-play cameras and in-play camera views captured as video at live entertainment venues such as sports stadiums and transmitted over cellular and 802.11 wireless networks to authorized handheld devices/smartphones including touch sensitive display screens for selecting and displaying video. The Examiner cited Verna, column 4, lines 1-42, column 7, lines 22-49, and column 8, lines 30-32, and argued that transmitter 134 transmits image data from plural cameras around the sporting event. Such features do not teach, suggest nor disclose in-play cameras nor in-play camera views. Column 4, lines 1-42 of Verna

teaches various aspects of how the Verna signal 110 is transmitted from a broadcast van and how signal 110 comprises images, information, etc, but there is no teaching whatsoever at column 4, lines 1-43 of in-play cameras and in-play camera views. Similarly, column 7, lines 22-49 of Verna also does not teach, suggest nor disclose in-play cameras and in-play camera views. Instead, column 7, lines 22-49 of Verna teaches a selection system and various components such as controller 150, signal segment 112, reviewing system 220 and so forth, but does not provide for any teaching, suggestion or disclosure of in-play cameras or in-play camera views. Additionally, column 8, lines 30-32 of Verna also does not provide any teaching, suggestion or disclosure of in-play cameras or in-play camera views. Instead, column 8, lines 30-32 of Verna teaches transmitter 134 and reviewing systems 220 but does not provide for a teaching, suggestion nor disclosure of in-play cameras and in-play camera views.

Regarding the Examiner's argument that Verna teaches authorized hand held devices, the Applicant notes that with respect to "...for display with at least one of a plurality of authorized hand held devices," the Examiner cited Verna, column 17, lines 5-10, column 21, line 46 – column 22, line 20, and figure 1, and also referred to reference numeral 220 and argued that the image data is transmitted to the Verna review system 220. Applicant notes that Column 17, lines 5-10 of Verna does not describe a plurality of authorized hand held devices. Instead Column 17, lines 5-10 of Verna teaches reviewing system 220 but does not indicated that reviewing system 220 is authorized. Similarly, column 21, line 46 – column 22, line 20, and figure 1 of Verna also do not teach authorized hand held device.

The Applicant respectfully disagrees with the Examiner that simply because the Applicant describes the use of cellular communications network

for data transmission at Page 64, lines 14-20 of Applicant's specification that it would be obvious to combine cellular communications with Verna to teach Applicant's cellular communications network for data transmission. Verna in fact teaches a reviewing system 220 that operates only to receive a broadcasted television signal 10. Transmitting television signals 10 via a cellular communications network such as that taught by Applicant's claimed invention would not be feasible or reasonable with respect to the reviewing system 220 of Verna. The reviewing system 220 could not handle cellular communications nor cellular RF signals. Television signals and cellular communications signals are completely different from one another are in fact from different art areas. One skilled in the art would not be inclined to modify a the reviewing system 220 of Verna to receive cellular communications. This is further evidenced by column 6, lines 44-60 of Verna which requires a converted digital signal 110 and formats having characteristics of 16-bit pixels, 640x480 pixel resolution and 30 frames per second, which would not travel via cellular communications to the via Verna system 220, particularly due to the compression technology of Verna (see column 6, lines 54-61), which is also not compatible with cellular communications. Simply put, the Verna device 220 is not capable of handling or even being modified to handle cellular communications. Thus, any teaching of the use of cellular communications network for data transmission at Page 64, lines 14-20 of Applicant's specification could not be combined with the Verna device, because simply put, the Verna device can not be modified to receive cellular communications signals.

Applicant further notes that Leermakers is not art that is analgous to Verna. Leemakers involves broadcasting software applications and particular components such as PSTN 51 and CTN 53, which can not communicate with

the television receiving signal device 220 of Verna. The voltages and currents required of Leermakers would short out or damage the Verna device, particularly any currents and frequencies associated with the return channel and forward channel of the Leermakers device. Additionally, the Verna device could not process the software of Leermakers. Leermakers further requires the use of a broadcast system that broadcasts an actual software application and then portable clients and a server system that stores the software applications. The Verna device is not capable of communicating with a server system. There is no teaching of a server system by Verna. Verna also does not download software applications for running on Verna. Verna and Leermakers thus could not be combined as argued.

Based on the foregoing, the Applicant submits that the rejection to claim 127 is traversed due to the fact that Leermakers and Verna and AAPA can not be combined as argued nor would one skilled in the art be included to combined as argued.

**Regarding claim 128**, the Examiner argued that Verna discloses recording a particular in-play camera view of said at least one in-play camera view transmitted from at least one in-play camera in response to user input at the at least one hand held device. In support of this argument, the Examiner cited Verna, column 15, lines 24-65, and column 19, lines 7-31, and also argued that the user selects which camera views are to be transmitted to the handheld device, and when they are received, they are sent to storage.

Applicant respectfully disagrees with this assessment and submits that the arguments presented above against the rejection to claim 127 apply



equally against the rejection to claim 128. Applicant therefore submits that the rejection to claim 128 is also traversed. Applicant respectfully requests withdrawal of the rejection to claim 128.

**Regarding claim 129**, the Examiner argued that Verna discloses storing a particular in-play camera view of at least one in-play camera transmitted from said at least one in-play camera in response to user input at the at least one hand held device. In support of this argument, the Examiner cited Verna, column 15, lines 24-65, and column 19, lines 7-31, and argued that the the user selects which camera views are to be transmitted to the handheld device, and when they are received, they are sent to storage. Applicant respectfully disagrees with this assessment and submits that the arguments presented above against the rejection to claim 127 apply equally against the rejection to claim 129. Applicant therefore submits that the rejection to claim 129 is also traversed. Applicant respectfully requests withdrawal of the rejection to claim 129.

**Regarding claims 130**, the Examiner argued that Verna discloses that the step of recording said particular in-play camera view transmitted from said at least one in-play camera further comprises the step of storing said particular in-play camera view within a memory in said at least one hand held device. In support of this assertion, the Examiner cited Verna, column 15, lines 24-65, and column 19, lines 7-31, and argued that the user selects which camera views are to be transmitted to the handheld device, and when they are received, they are sent to storage unit 212.

Applicant respectfully disagrees with this assessment and submits that the arguments presented above against the rejection to claim 127 apply

equally against the rejection to claim 130. Applicant therefore submits that the rejection to claim 130 is also traversed. Applicant respectfully requests withdrawal of the rejection to claim 130.

**Regarding claim 131**, the Examiner argued that Verna discloses that said particular in-play camera view comprises an instant replay. In support of this argument, the Examiner cited column 7, lines 41-46 of Verna.

Applicant respectfully disagrees with this assessment and submits that the arguments presented above against the rejection to claim 127 apply equally against the rejection to claim 131. Applicant therefore submits that the rejection to claim 131 is also traversed. Applicant respectfully requests withdrawal of the rejection to claim 131.

**Regarding claim 132**, the Examiner argued that Verna discloses that said at least one in-play camera is used to capture video of a sporting event. In support of this argument, the Examiner cited Verna, column 4, lines 36-52 and column 5, lines 40-56, and argued that the system is operated in a sporting facility, which is considered to include a racetrack. The Examiner then admitted that the primary reference of Verna in view of AAPA and Leermakers fails to explicitly disclose that said at least one in-play camera location comprises a placement within a race car competing within the racing venue.

The Examiner took "Official Notice", however, arguing that the concepts and advantages of placing a camera within a race car competing within a racing venue are notoriously well known and expected in the art. The Examiner therefore argued that it would have been obvious to one of

ordinary skill in the art to place the camera within a race car competing within the racing venue in order to allow the fans to become more involved during the race.

Applicant respectfully disagrees with this assessment and submits that the arguments presented above against the rejection to claim 127 apply equally against the rejection to claim 132. Applicant also disagrees with the aforementioned "Official Notice" that placing a camera within a race car competing with a racing venue is notoriously well known and expect in the art. This is not true or otherwise more cameras would have been placed in cars and transmitted to hand held devices at the time of Applicant's invention which was not the case.

Applicant therefore traverses the aforementioned "Official Notice" with respect to placing a camera in a racing car, etc.. As such, the Applicant submits that the aforementioned "Official Notice" is ambiguous and overbroad.

Applicant therefore submits that the rejection to claim 132 is also traversed. Applicant respectfully requests withdrawal of the rejection to claim 132.

**Regarding claim 133**, the Examiner argued that Verna discloses that said venue comprises a sports stadium. In support of this argument, the Examiner cited Verna, column 4, lines 36-52 and column 5, lines 40-56, and argued that the system is operated in a sports stadium. Applicant respectfully disagrees with this assessment and submits that the arguments presented above against the rejection to claim 127 apply equally against the rejection to claim 133. Applicant therefore submits that the rejection to

claim 133 is also traversed. Applicant respectfully requests withdrawal of the rejection to claim 133.

**Regarding claim 134**, the Examiner argued that the use of a method of providing video entertainment comprising the steps of capturing at least one of a plurality of in-play camera views from at least one of a plurality of in-play cameras located within a sporting venue (citing Verna column 4, lines 1-42; and arguing that each of the different cameras capture a different camera angle within the sporting event, Verna also discloses that the location can include sporting/entertainment events, and be any location known to persons of skill in the art, and further arguing, this is considered to include the use of a car racing venue as the location) for viewing by at least one of a plurality of handheld devices including at least one of a plurality of video- and data-enabled hand held devices physically located within the venue and authorized to receive and process said at least one in-play camera view (column 17, lines 5-10, column 21, line 46 – column 22, line 20, and figure 1: 220; the image data is transmitted to plural authorized hand held devices 220), processing said at least one in-play camera view for transport on a communication network to display on at least one of a plurality of displays associated with said at least one hand held device (column 11, lines 19-67; the data is processed for wireless communication in order to transmit the data to the hand held devices), a transmitter/receiver to transmit said at least one in-play camera view to said at least one, handheld device physically located within the sporting venue (column 12, lines 63-67), wherein said at least one handheld device requiring authorization through decryption to receive and process said at least one in-play camera view (column 12, lines 63-67, and column 21, line 46 – column 22, line 20; each of the signals is

encrypted for transmission, and then decrypted by the hand held device), displaying said at least one in-play camera view on said at least one display associated with said at least one hand held device physically located within said sporting venue and authorized to receive, process and display said at least one in-play camera view (column 16, lines 59-65), a media content (column 9, line 62 – column 10, line 7, and column 11, 18-32; the media content is considered to include the image data and auxiliary data) comprising of at least one in-play camera view (column 12, lines 63-67), venue activity statistics (column 4, lines 53-61), venue activity interactive menu (column 16, lines 34-50, and column 17, lines 34-48, an interactive menu is sent in order for the user to select desired data), audio feeds (column 16, lines 34-50, and column 17, lines 34-48), event scheduling information (column 4, lines 53-61; the data is considered to include team/event or other information, which can include information about upcoming events that are scheduled), and encryption (column 10, lines 52-65), and said transmitter/receiver is responsible to upload said media content to said communications network to distribute to the at least one handheld device (column 11, lines 18-32, and column 12, lines 63-67), wherein said at least one handheld device comprises includes onboard hardware explicitly responsible to parse and manipulate said media content for displaying on said at least one display in said venue (column 14, lines 24-42, column 16, lines 59-65, and column 17, line 18 – column 18, line 63).

The Examiner asserted that Verna discloses that the transmission can be performed using any known transmission means (column 11, lines 55-63), and that the handheld devices can be a known electronic device (column 13, lines 48-67), and admitted that it can be seen that Verna fails to explicitly disclose that the at least one handheld device includes at least one

of a plurality of video- and data-enabled cellular telephones and PDA capabilities, that the communication network is a cellular telecommunications network, that the transmitter/receiver is compatible with said cellular telecommunications network and IEEE 802.11 frequencies transmission, and wherein the transmission and uploading are done over said cellular telecommunications network

The Examiner also indicated that Applicant discloses in the specification that the use of a cellular communication network and IEEE 802.11 frequencies for data transmission are well known in the art (page 64, lines 14-20). The Examiner argued Verna discloses that the transmitter can use any known transmission means (column 11, lines 55-63), and that it would therefore be obvious to one of ordinary skill in the art to include the use of a transmitter/receiver that is compatible with, and use, a cellular communication network and/or IEEE 802.11 frequency transmission for data transmission and uploading, since it is a known transmission means.

Claim 134 had been amended and more clearly specifies applicants use of 802.11 communications.

The Applicant respectfully disagrees with Examiner's assessment. Column 11, lines 55-63 makes no mention of IEEE 802.11 frequencies. Despite reference to "wireless technologies" Verna is essentially a television receiving device that receives broadcast signals. Simply mentioning "wireless technologies" does not mean that Verna is capable of being modified to receive ALL frequencies. Verna does not and would not benefit from use of an IEEE 802.11 frequency simply because it is capable of only receiving television broadcast signals. Applicant also submits that the arguments presented above earlier re: cellular communications apply equally against this rejection to claim 134 as the Verna device could not handle

cellular communications given its heavy reliance on television signals and in particular signal segments 112 or auxiliary signals using Channels 2 through 69 of the VHF and UHF television broadcast frequencies (see column 11, lines 41-45 of Verna).

The Examiner further asserted that in analogous art, Leermakers discloses the use of a handheld device that includes video- and data-enabled cellular telephones and PDA capabilities (paragraph 0032). As indicated above herein, Leermakers is not art that is analogous to that of Verna. The Examiner argued that Leermakers teaches that the use of handheld device that includes video- and data-enabled cellular telephones and PDA capabilities is preferred in order to provide a personal multimedia appliance that has fully integrated multimedia processing capabilities, that is compact and inexpensive, and has the capability to run, in real-time, a broad spectrum of different software applications (paragraphs 0006-0009). The Examiner therefore argued that it would have been obvious to one of ordinary skill in the art to modify the primary reference of Verna to include the use of a handheld device that includes video- and data-enabled cellular telephones and PDA capabilities in order to provide a personal multimedia appliance that has fully integrated multimedia processing capabilities, that is compact and inexpensive, and had the capability to run, in real-time, a broad spectrum of different software applications, as suggested by Leermakers.

Applicant further submits that the arguments presented above against the rejection to claim 127 apply equally against this rejection to claim 134. That is, for example, neither Leermakers, Verna nor AAPA alone or in combination with one another teach in-play cameras and in-play camera views. As such, Applicant submits that the rejection to claim 134 is traversed.

**Regarding claim 135,** the Examiner argued that Verna discloses recording a particular in-play camera view of the at least one in-play camera view captured by said at least one in-play camera within a said at least one hand held device physically located within said racing venue and authorized to receive, process and display the at least one in-play camera view captured at the racing venue, in response to a user input at said at least one hand held device (column 15, lines 24-65, and column 19, lines 7-31; the user selects which camera views are to be transmitted to the handheld device, and when they are received, they are sent to storage unit 212).

Applicant respectfully disagrees with this assessment and submits that the arguments presented above against the rejection to claim 134 apply equally against the rejection to claim 135. Applicant therefore submits that the rejection to claim 135 is also traversed. Applicant respectfully requests withdrawal of the rejection to claim 135.

**Regarding claim 136,** the Examiner argued that Verna discloses storing a particular in-play camera view of said at least one in-play camera view captured by said at least one in-play camera by said at least one hand held device physically located within said racing venue and authorized to receive, process and display said at least one in-play camera view captured at the facing venue, in response to a user input at said at least one, hand held device (column 15, lines 24-65, and column 19, lines 7-31; the user selects which camera views are to be transmitted to the handheld device, and when they are received, they are sent to storage unit 212).

Applicant respectfully disagrees with this assessment and submits that the arguments presented above against the rejection to claim 134 apply



equally against the rejection to claim 136. Applicant therefore submits that the rejection to claim 136 is also traversed. Applicant respectfully requests withdrawal of the rejection to claim 136.

**Regarding claim 137**, the Examiner argued that Verna discloses storing said particular in-play camera view transmitted from said at least one in-play camera further comprises the step of storing said particular in-play camera view within a memory in said at least one hand held device (column 15, lines 24-65, and column 19, lines 7-31; the user selects which camera views are to be transmitted to the handheld device, and when they are received, they are sent to storage unit 212).

Applicant respectfully disagrees with this assessment and submits that the arguments presented above against the rejection to claim 134 apply equally against the rejection to claim 137. Applicant therefore submits that the rejection to claim 137 is also traversed. Applicant respectfully requests withdrawal of the rejection to claim 137.

***Monroe, Verna***

Claims 138-175 were rejected under 35 U.S.C. 103(a) as being unpatentable over Monroe (US Patent 6,970,183) in view of Verna (US Patent 6,681,398).

**Regarding claim 138**, the Examiner argued that Monroe discloses the use of a method for transmitting in a venue from at least one of a plurality of venue based in-play cameras, at least one of a plurality of venue-based in-play camera views over a cellular telecommunications network for display on at least one of a plurality of hand held devices authorized to

receive the at least one in-play camera view (column 15, lines 17-65, and figure 9:20 and 44; plural cameras capture video to be transmitted to displayed on hand held devices 44), said method comprising the steps of transmitter/receiver transmitting at least one in-play camera view captured from at least one of a plurality of in-play camera locations within said venue to enterprise equipment located at the venue (column 17, lines 48-67, and column 20, lines 3-37, and figure 9: 460 and 464; the captured image data is transmitted to the server 460 using transmitter receiver 464), processing said at least one in-play camera view at said enterprise equipment for secure transmission to the at least one hand held device including at least one of a plurality of video- and data-enabled cellular telephones and PDA capabilities, 802.11 wireless capabilities and authorized with at least one security code to receive and display video on at least one of a plurality of a displays associated with said at least one hand held device (column 17, line 1 - column 18, line 11, and column 18, lines 32-62; each of the authorized handheld devices is considered to include a PDA having video-and data-enabled cellular telephone and 802.11 wireless capabilities), securely transmitting through said transmitter/receiver at least one of a plurality of processed in-play camera views of the at least one in-play camera view over 802.11 radio frequency transmissions and said cellular telecommunications network to said at least one hand held device comprising said at least one cellular telephone (column 17, lines 1-11, and column 18, lines 32-62; the transmitter/receiver is considered to transmit the image data to the handheld devices 44 either over a wireless LAN or WAN), said transmitter/receiver uploading media content to said cellular telecommunications network to distribute to the at least one handheld device, wherein said at least one handheld device comprises said at least one cellular telephone with onboard

hardware explicitly responsible to parse and manipulate said media content for displaying on said at least one display (column 18, lines 32-62, and column 23, lines 23-67). Therefore, the Examiner argued that it can be seen that Monroe fails to explicitly disclose that the content is a media content comprising of at least one in-play camera view, venue activity statistics, venue activity interactive menu, audio feeds, event scheduling information and encryption.

The Examiner further argued that in analogous art, Verna discloses the use of a portable device that receives image data and auxiliary data that includes media content (column 9, line 62 -- column 10, line 7, and column 11, 18-32; the media content is considered to include the image data and auxiliary data) comprising of at least one in-play camera view (column 12, lines 63-67), venue activity statistics (column 4, lines 53-61), venue activity interactive menu (column 16, lines 34-50, and column 17, lines 34-48; an interactive menu is sent in order for the user to select desired data), audio feeds (column 16, lines 34-50, and column 17, lines 34-48), event scheduling information (column 4, lines 53-61; the data is considered to include team/event or other information, which can include information about upcoming events that are scheduled), and encryption (column 10, lines 52-65). Verna teaches that the transmission of different types of additional information pertaining to the event being captured is preferred, in order to customize the displayed information according the users desired preferences (column 4, lines 53-61). Therefore, the Examiner argued that it would have been obvious to one of ordinary skill in the art to modify Monroe to include the use of media content comprising of at least one in-play camera view, venue activity statistics, venue activity interactive menu, audio feeds, event scheduling information, and encryption, in order to customize the displayed

information according to the user's desired preferences, as suggested by Verna.

The Applicant respectfully disagrees with this assessment. Monroe is a surveillance and monitoring system. That is, Monroe is utilized in the field of security monitoring. For example, a security system may be in place in a building and Monroe utilized to prevent the building from being robbed or vandalized due to the presence of the surveillance and monitoring system of Monroe. The Monroe patent thus is an improvement to closed-circuit security surveillance systems. It would not make sense for one skilled in the art to take a secure surveillance monitoring system and open it up to sports fans, for example, for this would defeat the purpose of Monroe, i.e., surveillance and security, in which security is of prime concern. Thus, one skilled in the art would not be inclined to combine Monroe with Verna because Verna teaches the opposite of Monroe. Verna teaches a television broadcast system that everyone (e.g., sports fans) can access via the device 220 of Monroe. This would render the closed-circuit security and surveillance aspects of Verna useless.

Applicant further notes that neither Monroe nor Verna, alone or in combination with one another, teach, suggest or disclose in-play cameras or in-play camera views. For example, Column 15, lines 17-65, and figure 9:20 and 44 of Monroe provide no teaching, suggestion or disclosure of cameras mounted, for example, as an in-play camera in a racing car, etc.

**Regarding claim 139**, the Examiner argued that Monroe discloses receiving said at least one processed in-play camera view on said at least one display associated with said at least one hand held device, processing said at least one in-play camera view for viewing on said at least one display, and displaying said at least one processed in-play camera view

on the at least one display (column 17, lines 1-11, and column 23, lines 23-67).

Applicant respectfully disagrees with this assessment and submits that the arguments presented above against the rejection to claim 137 apply equally against the rejection to claim 139. Applicant therefore submits that the rejection to claim 139 is also traversed. Applicant respectfully requests withdrawal of the rejection to claim 139.

**Regarding claim 140**, the Examiner argued that Verna discloses recording a particular in-play camera view of the at least one in-play camera view received by said at least one hand held device in response to a user input at said at least one hand held device (column 15, lines 24-65, and column 19, lines 7-31; the user selects which camera views are to be transmitted to the handheld device, and when they are received, they are sent to storage unit 212).

Applicant respectfully disagrees with this assessment and submits that the arguments presented above against the rejection to claim 137 apply equally against the rejection to claim 140. Applicant therefore submits that the rejection to claim 140 is also traversed. Applicant respectfully requests withdrawal of the rejection to claim 140.

**Regarding claim 141**, the Examiner argued that Verna discloses storing a particular in-play camera view of the at least one in-play camera view received by said at least one hand held device in response to a user input at said at least one hand held device (column 15, lines 24-65, and column 19, lines 7-31; the user selects which camera views are to be

transmitted to the handheld device, and when they are received, they are sent to storage unit 212).

Applicant respectfully disagrees with this assessment and submits that the arguments presented above against the rejection to claim 137 apply equally against the rejection to claim 141. Applicant therefore submits that the rejection to claim 141 is also traversed. Applicant respectfully requests withdrawal of the rejection to claim 141.

**Regarding claim 142**, the Examiner argued that Verna discloses storing said particular in-play camera view within a memory in said at least one hand held device (column 15, lines 24-65, and column 19, lines 7-31; the user selects which camera views are to be transmitted to the handheld device, and when they are received, they are sent to storage unit 212).

Applicant respectfully disagrees with this assessment and submits that the arguments presented above against the rejection to claim 137 apply equally against the rejection to claim 142. Applicant therefore submits that the rejection to claim 142 is also traversed. Applicant respectfully requests withdrawal of the rejection to claim 142.

**Regarding claim 143**, the Examiner argued that the primary reference of Monroe in view of Verna discloses the use of a transmission method, as discussed with respect to claim 138 above. The Examiner argued that it can be seen that the primary reference fails to explicitly disclose that said in-play camera location comprises a placement within a race car competing within the racing venue. Official Notice is taken that the concepts and advantages of placing a camera within a race car competing within a racing venue are notoriously well known and expected in the art. The

Examiner asserted that it would have been obvious to one of ordinary skill in the art to place the camera within a race car competing within the racing venue in order to allow the fans to become more involved during the race.

Applicant disagrees with the aforementioned "Official Notice" that placing a camera within a race car competing with a racing venue is notoriously well known and expect in the art. This is not true or otherwise more cameras would have been placed in cars and transmitted to hand held devices at the time of Applicant's invention which was not the case.

Applicant therefore traverses the aforementioned "Official Notice" with respect to placing a camera in a racing car, etc. As such, the Applicant submits that the aforementioned "Official Notice" is ambiguous and overbroad.

Applicant also submits that the arguments presented above against the rejection to claim 137 apply equally against the rejection to claim 143. Applicant therefore submits that the rejection to claim 143 is also traversed. Applicant respectfully requests withdrawal of the rejection to claim 143.

Applicant therefore submits that the rejection to claim 143 is also traversed based on its dependency on claim 137. Applicant respectfully requests withdrawal of the rejection to claim 143.

**Regarding claim 144**, the Examiner argued that Verna discloses that said venue comprises sports stadium (column 4, lines 36-52, and column 5, lines 40-56).

Applicant respectfully disagrees with this assessment and submits that the arguments presented above against the rejection to claim 137 apply equally against the rejection to claim 144. Applicant therefore submits that

the rejection to claim 144 is also traversed. Applicant respectfully requests withdrawal of the rejection to claim 144.

**Regarding claim 145**, the Examiner argued that Monroe discloses the use of a method for receiving in a venue from at least one of a plurality of a venue-based in-play cameras, at least one of a plurality of venue-based in-play camera views by at least one of a plurality of hand held devices including at least one of a plurality of video- and data-enabled cellular telephones and PDA capabilities, 802.11 wireless capabilities and authorized by at least one security code to receive in-play camera views and adapted to display said at least one in-play camera view (column 15, lines 17-65, column 17, line 1 - column 18, line 11, and column 18, lines 32-62, and figure 9:20 and 44; plural cameras capture video to be transmitted to displayed on authorized hand held devices 44, which is considered to be a PDA having video- and data-enabled cellular telephone and 802.11 wireless capabilities), said method comprising the steps of receiving at least one in-play camera view provided from the at least one in-play camera, through communication with a transmitter over a cellular telecommunications network with said at least one hand held device authorized by at least one security code to receive said at least one of in-play camera view (column 18, lines 1-11, and column 18, lines 50-62), processing said at least one in-play camera view for viewing on at least one of a plurality of displays associated with said at least one hand held device (column 17, lines 1-5, and column 23, lines 24-52) displaying at least one of a plurality of processed in-play camera views of said at least one in-play camera view on at least one display associated with said at least one hand held device, thereby enabling said at least one hand held device users to view said at least one in-play camera



view through said at least one hand held device authorized by at least one security code to receive said at least one in-play camera view (column 17, lines 1-5, column 23, lines 24-52, column 18, lines 1-11, and column 18, lines 50-62; the data content is received and processed for display by authorized handheld devices), said transmitter uploading media content to said cellular communications network to distribute to the at least one handheld device, wherein said at least one handheld device comprises said at least one cellular telephone with onboard hardware explicitly responsible to parse and manipulate said media content for displaying on said at least one display (column 18, lines 32-62, and column 23, lines 23-67). The Examiner argued that it can be seen that Monroe fails to explicitly disclose that the content is a media content comprising of at least one in-play camera view, venue activity statistics, venue activity interactive menu, audio feeds, event scheduling information, and encryption.

The Examiner further argued that in analogous art, Verna discloses the use of a portable device that receives image data and auxiliary data that includes media content (column 9, line 62 -- column 10, line 7, and column 11, lines 18-32; the media content is considered to include the image data and auxiliary data) comprising of at least one in-play camera view (column 12, lines 63-67), venue activity statistics (column 4, lines 53-61), venue activity interactive menu (column 16, lines 34-50, and column 17, lines 34-48; an interactive menu is sent in order for the user to select desired data), audio feeds (column 16, lines 34-50, and column 17, lines 34-48), event scheduling information (column 4, lines 53-61; the data is considered to include team/event or other information, which can include information about upcoming events that are scheduled), and encryption (column 10, lines 52-65). Verna teaches that the transmission of different types of additional

information pertaining to the event being captured is preferred, in order to customize the displayed information according the users desired preferences (column 4, lines 53-61). The Examiner argued that it would have been obvious to one of ordinary skill in the art to modify Monroe to include the use of media content comprising of at least one in-play camera view, venue activity statistics, venue activity interactive menu, audio feeds, event scheduling information, and encryption, in order to customize the displayed information according the users desired preferences, as suggested by Verna.

Claim 145 has been amended to more clearly specify a method receiving with a plurality of handheld devices located within and outside of a venue video from at least one of a plurality of a venue-based in-play cameras and media content including statistics, scores and venue information. Teh amended claim 145 calls for "providing an entertainment venue including a plurality of venue-based in-play cameras located throughout the entertainment venue, at least one video and media content data server in communication with said plurality of venue-based cameras and data network communications between said video and media content data server and a plurality of hand held devices including at least one of a plurality of video- and data-enabled cellular smartphones including 802.11 wireless capabilities and authorized by at least one of a security code and data encryption to receive and display in-play camera views and media content on a touchscreen video display."

The claim also calls for "receiving at least one in-play camera view and media content from said server at a smartphone including cellular and 802.11 communications and a touchscreen video display through said data network communications from said entertainment venue via at least one of a cellular telecommunications network and a 802.11 data network, ~~with~~ said at least one hand held device authorized by at least one of said security code and

encryption to receive said at least one of in-play camera view and media content” and “processing said at least one in-play camera view and media content for viewing on said touch-sensitive display associated with said smartphone, displaying said at least one in-play camera view and said media content on said touch sensitive video display in response to user input on said touch sensitive video display.”

The Applicant again respectfully disagrees with the rejection utilizing Monroe -- a surveillance and monitoring system. That is, Monroe is utilized in the field of security monitoring. For example, a security system may be in place in a building and Monroe utilized to prevent the building from robbed or vandalized due to the presence of the surveillance and monitoring system of Monroe. The Monroe patent thus is an improvement to close circuit security surveillance systems. It would not make sense for one skilled in the art to take a secure surveillance monitoring system and open it up to sports fans, for example, for this would defeat the purpose of Monroe, i.e., surveillance and security, in which security is of prime concern. Thus, one skilled in the art would not be inclined to combine Monroe with Verna because Verna teaches the opposite of Monroe. Verna teaches a television broadcast system that everyone (e.g., sports fans) can access via the device 220 of Monroe. This would render the closed-circuit security and surveillance aspects of Verna useless.

Applicant further notes that neither Monroe nor Verna, alone or in combination with one another, teach, suggest or disclose in-play cameras or in-play camera views. For example, Column 15, lines 17-65, and figure 9:20 and 44 of Monroe provide no teaching, suggestion or disclosure of cameras mounted, for example, as an in-play camera in a racing car, etc.

**Regarding claim 146**, the Examiner argued that Verna discloses recording a particular in-play camera view of said at least one in-play camera view received by said at least one hand held device in response to a user input at said at least one hand held device (column 15, lines 24-65, and column 19, lines 7-31; the user selects which camera views are to be transmitted to the handheld device, and when they are received, they are sent to storage unit 212).

Applicant respectfully disagrees with this assessment and submits that the arguments presented above against the rejection to claim 145 apply equally against the rejection to claim 146. Applicant therefore submits that the rejection to claim 146 is also traversed. Applicant respectfully requests withdrawal of the rejection to claim 146.

**Regarding claim 147**, the Examiner argued that Verna discloses storing a particular in-play camera view of said at least one in-play camera view received by said at least one hand held device in response to a user input at said at least one hand held device (column 15, lines 24-65, and column 19, lines 7-31; the user selects which camera views are to be transmitted to the handheld device, and when they are received, they are sent to storage unit 212).

Applicant respectfully disagrees with this assessment and submits that the arguments presented above against the rejection to claim 145 apply equally against the rejection to claim 147. Applicant therefore submits that the rejection to claim 147 is also traversed. Applicant respectfully requests withdrawal of the rejection to claim 147.

**Regarding claim 148**, the Examiner argued that Verna discloses storing said particular in-play camera view within storage media in said at least one hand held device (column 15, lines 24-65, and column 19, lines 7-31; the user selects which camera views are to be transmitted to the handheld device, and when they are received, they are sent to storage unit 212).

Applicant respectfully disagrees with this assessment and submits that the arguments presented above against the rejection to claim 145 apply equally against the rejection to claim 148. Applicant therefore submits that the rejection to claim 148 is also traversed. Applicant respectfully requests withdrawal of the rejection to claim 148.

**Regarding claim 149**, the Examiner argued that the primary reference of Monroe in view of Verna discloses the use of a transmission method, as discussed with respect to claim 145 above. The Examiner admitted that the primary reference fails to explicitly disclose that said in-play camera location comprises a placement within a race car competing within the racing venue. The Examiner, however, took "Official Notice" that the concepts and advantages of placing a camera within a race car competing within a racing venue are notoriously well known and expected in the art. The Examiner argued that it would have been obvious to one of ordinary skill in the art to place the camera within a race car competing within the racing venue in order to allow the fans to become more involved during the race.

Applicant disagrees with the aforementioned "Official Notice" that placing a camera within a race car competing with a racing venue is notoriously well known and expect in the art. This is not true or otherwise

more cameras would have been placed in cars and transmitted to hand held devices at the time of Applicant's invention which was not the case.

Applicant therefore traverses the aforementioned "Official Notice" with respect to placing a camera in a racing car, etc. As such, the Applicant submits that the aforementioned "Official Notice" is ambiguous and overbroad.

Applicant respectfully disagrees with this assessment and submits that the arguments presented above against the rejection to claim 145 apply equally against the rejection to claim 149. Applicant therefore submits that the rejection to claim 149 is also traversed. Applicant respectfully requests withdrawal of the rejection to claim 149.

**Regarding claim 150**, the Examiner argued that Verna discloses that said venue comprises sports stadium (column 4, lines 36-52, and column 5, lines 40-56).

Applicant respectfully disagrees with this assessment and submits that the arguments presented above against the rejection to claim 145 apply equally against the rejection to claim 150. Applicant therefore submits that the rejection to claim 150 is also traversed. Applicant respectfully requests withdrawal of the rejection to claim 150.

**Regarding claim 151**, the Examiner argued that Monroe discloses the use of a system for securely transmitting in a live venue over a cellular telecommunications network from at least one of a plurality of venue-based in-play cameras, at least one of a plurality of venue-based in-play camera views to at least one of a plurality of wireless hand held devices (column 15, lines 17-65, and figure 9:20 and 44; plural cameras capture video to be

transmitted to displayed on hand held devices 44), wherein said at least one handheld device incorporates at least one of a plurality of displays, and further said at least one handheld includes at least one of a plurality of video- and data-enabled cellular telephones and PDA capabilities, 802.11 wireless capabilities and authorized to receive and process said at least one in-play camera view (column 17, line 1 - column 18, line 11, and column 18, lines 32-62; each of the authorized handheld devices is considered to include a PDA having video- and data-enabled cellular telephone and 802.11 wireless capabilities), said system further comprising transmitter adapted to securely transmit at least one in-play camera view from at least one of a plurality of in-play camera locations within the live venue to at least one wireless hand held device authorized to receive and process said at least one in-play camera view (column 18, lines 1-11, and column 19, lines 34-67), processor for processing said at least one in-play camera view for secure transmission by said transmitter to said at least one wireless hand held device (column 19, lines 34-67), said transmitter responsible to upload media content to said cellular communications network to distribute to the at least one handheld device, wherein said at least one handheld device comprises said at least one cellular telephone with onboard hardware explicitly responsible to parse and manipulate said media content for displaying on the at least one display (column 18, lines 32-62, and column 23, lines 23-67). The Examiner therefore argued that it can be seen that Monroe fails to explicitly disclose that the content is a media content comprising of at least one in-play camera view, venue activity statistics, venue activity interactive menu, audio feeds, event scheduling information, and encryption.

The Examiner further argued that in the analogous art, Verna discloses the use of a portable device that receives image data and auxiliary data that

includes media content (column 9, line 62 -- column 10, line 7, and column 11, 18-32; the media content is considered to include the image data and auxiliary data) comprising of at least one in-play camera view (column 12, lines 63-67), venue activity statistics (column 4, lines 53-61), venue activity interactive menu (column 16, lines 34-50, and column 17, lines 34-48; an interactive menu is sent in order for the user to select desired data), audio feeds (column 16, lines 34-50, and column 17, lines 34-48), event scheduling information (column 4, lines 53-61; the data is considered to include team/event or other information, which can include information about upcoming events that are scheduled), and encryption (column 10, lines 52-65). The Examiner asserted that teaches that the transmission of different types of additional information pertaining to the event being captured is preferred, in order to customize the displayed information according the users desired preferences (column 4, lines 53-61). The Examiner argued that it would have been obvious to one of ordinary skill in the art to modify Monroe to include the use of media content comprising of at least one in-play camera view, venue activity statistics, venue activity interactive menu, audio feeds, event scheduling information, and encryption, in order to customize the displayed information according the users desired preferences, as suggested by Verna.

Claim 151 has been amended to more clearly specify a system for securely transmitting live video, recorded video, performer information and venue information from a live entertainment venue comprising entertainment venue including access to data communications networks, at least one data server, at least one wireless data network transceiver and access to a cellular telecommunications network, a plurality of venue-based in-play cameras located throughout the entertainment venue providing a plurality of venue-



based in-play camera views to said data server for formatting and transmission to at least one of a plurality of wireless hand held devices located within and outside of said entertainment venue, wherein said at least one of a plurality of wireless hand held devices includes at a touch sensitive display screen cellular capabilities, 802.11 wireless capabilities and is authorized to receive and process live video, recorded video, performer information and venue information accessed from said video server, a 802.11 transmitter adapted to securely transmit live video, recorded video, performer information and venue information accessed from said video server to said at least one of a plurality of wireless hand held devices, and a processor for processing said at least one in-play camera view for secure transmission by said transmitter to said at least one of a plurality of wireless hand held devices.

The Applicant again respectfully disagrees with the rejection utilizing Monroe -- a surveillance and monitoring system. That is, Monroe is utilized in the field of security monitoring. For example, a security system may be in place in a building and Monroe utilized to prevent the building from robbed or vandalized due to the presence of the surveillance and monitoring system of Monroe. The Monroe patent thus is an improvement to close circuit security surveillance systems. It would not make sense for one skilled in the art to take a secure surveillance monitoring system and open it up to sports fans, for example, for this would defeat the purpose of Monroe, i.e., surveillance and security, in which security is of prime concern. Thus, one skilled in the art would not be inclined to combine Monroe with Verna because Verna teaches the opposite of Monroe. Verna teaches a television broadcast system that everyone (e.g., sports fans) can access via the device 220 of Monroe. This would render the closed-circuit security and surveillance aspects of Verna useless.

Applicant further notes that neither Monroe nor Verna, alone or in combination with one another, teach, suggest or disclose in-play cameras or in-play camera views. For example, Column 15, lines 17-65, and figure 9:20 and 44 of Monroe provide no teaching, suggestion or disclosure of cameras mounted, for example, as an in-play camera in a racing car, etc.

**Regarding claim 152**, the claim has been cancelled.

**Regarding claim 153**, the Examiner argued that Verna discloses that said at least one wireless hand held device further comprising a recorder for recording a particular in-play camera view of said at least one in-play camera view transmitted by said transmitter and received by said at least one wireless hand held device in response to a user input at said at least one wireless hand held device (column 15, lines 24-65, and column 19, lines 7-31; the user selects which camera views are to be transmitted to the handheld device, and when they are received, they are sent to storage unit 212).

Applicant respectfully disagrees with this assessment and submits that the arguments presented above against the rejection to claim 151 apply equally against the rejection to claim 153. Applicant therefore submits that the rejection to claim 153 is also traversed. Applicant respectfully requests withdrawal of the rejection to claim 153.

**Regarding claim 154**, the Examiner argued that Verna discloses that said at least one wireless hand held devbice further comprising storage media for storing a particular in-play camera view of said at least one in-play camera view transmitted by said transmitter and received by said at least

one wireless hand held device in response to a user input at said at least one wireless hand held device (column 15, lines 24-65, and column 19, lines 7-31; the user selects which camera views are to be transmitted to the handheld device, and when they are received, they are sent to storage unit 212).

Applicant respectfully disagrees with this assessment and submits that the arguments presented above against the rejection to claim 151 apply equally against the rejection to claim 154. Applicant therefore submits that the rejection to claim 154 is also traversed. Applicant respectfully requests withdrawal of the rejection to claim 154.

**Regarding claim 155**, the Examiner argued that Verna discloses that said storage media further comprises a memory location (column 15, lines 24-65, and column 19, lines 7-31; the user selects which camera views are to be transmitted to the handheld device, and when they are received, they are sent to storage unit 212).

Applicant respectfully disagrees with this assessment and submits that the arguments presented above against the rejection to claim 151 apply equally against the rejection to claim 155. Applicant therefore submits that the rejection to claim 155 is also traversed. Applicant respectfully requests withdrawal of the rejection to claim 155.

**Regarding claim 156**, the Examiner asserted that the primary reference of Monroe in view of Verna discloses the use of a transmission method, as discussed with respect to claim 151 above. The Examiner admitted that the primary reference fails to explicitly disclose that said in-play camera location comprises a placement within a race car competing

within the racing venue. The Examiner took "Official Notice" that the concepts and advantages of placing a camera within a race car competing within a racing venue are notoriously well known and expected in the art. The Examiner asserted that it would have been obvious to one of ordinary skill in the art to place the camera within a race car competing within the racing venue in order to allow the fans to become more involved during the race.

Applicant disagrees with the aforementioned "Official Notice" that placing a camera within a race car competing with a racing venue is notoriously well known and expect in the art. This is not true or otherwise more cameras would have been placed in cars and transmitted to hand held devices at the time of Applicant's invention which was not the case.

Applicant therefore traverses the aforementioned "Official Notice" with respect to placing a camera in a racing car, etc. As such, the Applicant submits that the aforementioned "Official Notice" is ambiguous and overbroad.

Applicant respectfully disagrees with this assessment and submits that the arguments presented above against the rejection to claim 151 apply equally against the rejection to claim 156. Applicant therefore submits that the rejection to claim 156 is also traversed. Applicant respectfully requests withdrawal of the rejection to claim 156.

**Regarding claim 157**, the Examiner argued that Verna discloses that said venue comprises sports stadium (column 4, lines 36-52, and column 5, lines 40-56).

Applicant respectfully disagrees with this assessment and submits that the arguments presented above against the rejection to claim 151 apply

equally against the rejection to claim 157. Applicant therefore submits that the rejection to claim 157 is also traversed. Applicant respectfully requests withdrawal of the rejection to claim 157.

**Regarding claim 158**, the Examiner argued that Verna discloses that said at least one hand held device further comprising a recorder for recording a particular in-play camera view of the at least one in-play camera view transmitted from said at least one in-play camera, in response to a user input (column 15, lines 24-65, and column 19, lines 7-31; the user selects which camera views are to be transmitted to the handheld device, and when they are received, they are sent to storage unit 212).

Applicant respectfully disagrees with this assessment and submits that the arguments presented above against the rejection to claim 151 apply equally against the rejection to claim 158. Applicant therefore submits that the rejection to claim 158 is also traversed. Applicant respectfully requests withdrawal of the rejection to claim 158.

**Regarding claim 159**, the Examiner argued that Verna discloses that said at least one hand held device further comprising a storage mechanism for storing a particular in-play camera view of the at least one in-play camera view transmitted from said at least one in-play camera, in response to a user input (citing column 15, lines 24-65, and column 19, lines 7-31 of Verna; and arguing that the user selects which camera views are to be transmitted to the handheld device, and when they are received, they are sent to storage unit 212).

Applicant respectfully disagrees with this assessment and submits that the arguments presented above against the rejection to claim 151 apply

equally against the rejection to claim 159. Applicant therefore submits that the rejection to claim 159 is also traversed. Applicant respectfully requests withdrawal of the rejection to claim 159.

**Regarding claim 160**, the Examiner argued that Verna discloses said storage mechanism comprises a memory location (citing column 15, lines 24-65, and column 19, lines 7-31 of Verna; and arguing that the user selects which camera views are to be transmitted to the handheld device, and when they are received, they are sent to storage unit 212).

Applicant respectfully disagrees with this assessment and submits that the arguments presented above against the rejection to claim 151 apply equally against the rejection to claim 160. Applicant therefore submits that the rejection to claim 160 is also traversed. Applicant respectfully requests withdrawal of the rejection to claim 160.

**Regarding claim 161**, the Examiner asserted that Verna discloses that said storage media further comprises a memory location (citing Verna, column 15, lines 24-65, and column 19, lines 7-31; and arguing that the user selects which camera views are to be transmitted to the handheld device, and when they are received, they are sent to storage).

Applicant respectfully disagrees with this assessment and submits that the arguments presented above against the rejection to claim 151 apply equally against the rejection to claim 161. Applicant therefore submits that the rejection to claim 161 is also traversed. Applicant respectfully requests withdrawal of the rejection to claim 161.

**Regarding claim 162**, the Examiner argued that the primary reference of Monroe in view of Verna discloses the use of a transmission method, as discussed with respect to claim 175. The Examiner admitted that the primary reference fails to explicitly disclose that said in-play camera location comprises a placement within a race car competing within the racing venue. The Examiner took "Official Notice," however, that the concepts and advantages of placing a camera within a race car competing within a racing venue are notoriously well known and expected in the art. The Examiner therefore argued that it would have been obvious to one of ordinary skill in the art to place the camera within a race car competing within the racing venue in order to allow the fans to become more involved during the race.

Applicant disagrees with the aforementioned "Official Notice" that placing a camera within a race car competing with a racing venue is notoriously well known and expect in the art. This is not true or otherwise more cameras would have been placed in cars and transmitted to hand held devices at the time of Applicant's invention which was not the case.

Applicant therefore traverses the aforementioned "Official Notice" with respect to placing a camera in a racing car, etc. As such, the Applicant submits that the aforementioned "Official Notice" is ambiguous and overbroad.

Applicant respectfully disagrees with this assessment and submits that the arguments presented above against the rejection to claim 151 apply equally against the rejection to claim 162. Applicant therefore submits that the rejection to claim 162 is also traversed. Applicant respectfully requests withdrawal of the rejection to claim 162.

**Regarding claim 163**, the Examiner argued that Verna discloses that said venue comprises sports stadium (column 4, lines 36-52, and column 5, lines 40-56).

Applicant respectfully disagrees with this assessment and submits that the arguments presented above against the rejection to claim 151 apply equally against the rejection to claim 163. Applicant therefore submits that the rejection to claim 163 is also traversed. Applicant respectfully requests withdrawal of the rejection to claim 163.

**Regarding claim 164**, the claim has been cancelled in view of adequate coverage by other independent claims.

**Regarding claim 165**, the Examiner asserted that Monroe discloses said at least one hand held device including said display for displaying at least one of a plurality of processed in-play camera views of said at least one in-play camera view (column 23, lines 27-52), an 802.11 radio frequency receiver for securely receiving said at least one processed in-play camera view (column 18, lines 50-62), a cellular data communications link for accessing remote venue data from remote servers (column 18, lines 50-62), a processor for processing said at least one in-play camera view and remote venue entertainment data for display on said display included with said at least one hand held device (column 17, lines 1-11, and column 23, lines 23-67).

Claim 165 has been amended to depend on claim 151, and to further specify that the system of claim 151 includes at least one of a plurality of wireless hand held devices comprising a security module authorizing said at least one of a plurality of wireless hand held devices ~~authorized~~ to receive,



process and display the at least one in-play camera view and located in said entertainment venue, a touch sensitive display for displaying at least one of a plurality of processed in-play camera views selectable via said touch sensitive display, an 802.11 radio frequency receiver for securely receiving said at least one processed in-play camera view, a cellular data communications link for accessing remote venue entertainment data from remote servers, and a processor for processing said at least one in-play camera view and remote venue entertainment data for display on said display included with said at least one hand held device.

Applicant respectfully disagrees with this assessment and submits that the arguments presented above against the rejection to claim 151 apply equally against the rejection to claim 165. Applicant therefore submits that the rejection to claim 165 is also traversed. Applicant respectfully requests withdrawal of the rejection to claim 165.

**Regarding claim 166**, the Examiner argued that Verna discloses that said at least one wireless hand held device further comprising a storage mechanism for storing a particular in-play camera view of said at least one in-play camera view transmitted from said at least one in-play camera in response to a user input (column 15, lines 24-65, and column 19, lines 7-31; the user selects which camera views are to be transmitted to the handheld device, and when they are received, they are sent to storage unit 212).

Applicant respectfully disagrees with this assessment and submits that the arguments presented above against the rejection to claim 151 apply equally against the rejection to claim 166. Applicant therefore submits that the rejection to claim 166 is also traversed. Applicant respectfully requests withdrawal of the rejection to claim 166.

**Regarding claim 167**, the Examiner argued that Verna discloses that said storage mechanism further comprises a memory location (column 15, lines 24-65, and column 19, lines 7-31; the user selects which camera views are to be transmitted to the handheld device, and when they are received, they are sent to storage unit 212).

Applicant respectfully disagrees with this assessment and submits that the arguments presented above against the rejection to claim 151 apply equally against the rejection to claim 167. Applicant therefore submits that the rejection to claim 167 is also traversed. Applicant respectfully requests withdrawal of the rejection to claim 167.

**Regarding claim 168**, the Examiner argued that Verna discloses that said memory location comprises removable storage media (column 15, lines 24-65, and column 19, lines 7-31; the user selects which camera views are to be transmitted to the handheld device, and when they are received, they are sent to storage unit 212).

Applicant respectfully disagrees with this assessment and submits that the arguments presented above against the rejection to claim 151 apply equally against the rejection to claim 168. Applicant therefore submits that the rejection to claim 168 is also traversed. Applicant respectfully requests withdrawal of the rejection to claim 168.

**Regarding claim 169**, the Examiner argued that Verna discloses that said venue comprises sports stadium (column 4, lines 36-52, and column 5, lines 40-56).

Applicant respectfully disagrees with this assessment and submits that the arguments presented above against the rejection to claim 151 apply equally against the rejection to claim 169. Applicant therefore submits that the rejection to claim 169 is also traversed. Applicant respectfully requests withdrawal of the rejection to claim 169.

**Regarding claim 170**, the Examiner argued that Monroe discloses the use of a system for receiving, from within a venue, from at least one of a plurality of venue-based in-play cameras, at least one of a plurality of venue-based camera views for display on at least one of a plurality of displays located on at least one of a plurality of wireless hand held devices including at least one of a plurality of video- and data-enabled cellular telephones and PDA capabilities, 802.11 wireless capabilities and authorized to receive, process and display the at least one in-play camera view (column 15, lines 17-65, column 17, line 1 - column 18, line 11, and column 18, lines 32-62, and figure 9: 20 and 44; plural cameras capture video to be transmitted to displayed on authorized hand held devices 44, which is considered to be a PDA having video- and data-enabled cellular telephone and 802.11 wireless capabilities), said system comprising said at least one wireless hand held device including said at least one cellular telephone authorized to receive, process and display the-at least one in-play camera view (column 15, lines 17-65, column 17, line 1 - column 18, line 11, and column 18, lines 32-62, and figure 9:20 and 44; plural cameras capture video to be transmitted to displayed on authorized hand held devices 44, which is considered to be a PDA having video- and data-enabled cellular telephone and 802.11 wireless capabilities), said receiver adapted for securely receiving said at least one in-play camera view provided through a server and transmitter/receiver,

wherein said transmitter/receiver having cellular and 802.11 radio frequency capabilities, from at least one in-play camera located at said venue (column 17, lines 1-10, column 17, lines 48-67, column 19, 27-33, column 20, lines 3-37, and figure 9: 460 and 464; the transmitter/receiver 464 transmits and receives data over either cellular or 802.11 frequencies, depending on the range required for transmission), a processor in said at least one wireless hand held device authorized to receive, process and display the at least one in-play camera view, said processor adapted for processing said at least one in-play camera view securely received by said receiver with an authorization code for secure viewing of said at least one in-play camera view on said at least one display associated with said at least one hand held device (column 17, lines 1-11, column 18, lines 1-11, and column 23, lines 23-67), said transmitter/receiver transmitting said at least one in-play camera view from at least one of a plurality of in-play camera locations associated with each at least one in-play camera within said venue over a cellular telecommunications network for viewing by said at least one handheld device (column 18, lines 32-62, and column 23, lines 23-67), said transmitter/receiver is responsible to upload said media content to said cellular telecommunications network to distribute to the at least one handheld device, wherein said at least one handheld device comprises said at least one cellular telephone with onboard hardware explicitly responsible to parse and manipulate said media content for display on the at least one display (column 18, lines 32-62, and column 23, lines 23-67). The Examiner asserted that it can be seen that Monroe fails to explicitly disclose that the content is a media content comprising of at least one in-play camera view, venue activity statistics, venue activity interactive menu, audio feeds, event scheduling information, and encryption.

The Examiner further argued that in analogous art Verna discloses the use of a portable device that receives image data and auxiliary data that includes media content (column 9, line 62 - column 10, line 7, and column 11, 18-32; the media content is considered to include the image data and auxiliary data) comprising of at least one in-play camera view (column 12, lines 63-67), venue activity statistics (column 4, lines 53-61), venue activity interactive menu (column 16, lines 34-50, and column 17, lines 34-48; an interactive menu is sent in order for the user to select desired data), audio feeds (column 16, lines 34-50, and column 17, lines 34-48), event scheduling information (column 4, lines 53-61; the data is considered to include team/event or other information, which can include information about upcoming events that are scheduled), and encryption (column 10, lines 52-65).

The Examiner argued that teaches that the transmission of different types of additional information pertaining to the event being captured is preferred, in order to customize the displayed information according the users desired preferences (column 4, lines 53-61). The Examiner argued that it would have been obvious to one of ordinary skill in the art to modify Monroe to include the use of media content comprising of at least one in-play camera view, venue activity statistics, venue activity interactive menu, audio feeds, event scheduling information, and encryption, in order to customize the displayed information according the users desired preferences, as suggested by Verna.

Claim 170 has been amended to more clearly specify a system including at least one server processing storing multimedia content including video and performer information recorded or maintained at a live entertainment venue, a plurality of wireless hand held devices including cellular

wireless capabilities, 802.11 wireless capabilities, a touch screen display and authorized to receive, process and display said multimedia content obtained from said at least one server, a processor in said plurality of wireless hand held devices authorized to receive, process and display the at least one in-play camera view, said processor adapted for processing said media content including video received by said receiver with an authorization code for secure viewing of said media content including video on said touch screen display associated with said plurality of wireless hand held devices, and a transmitter/receiver transmitting said multimedia content including at least one in-play camera view from at least one of a plurality of in-play camera locations associated with each at least one in-play camera within said entertainment venue from said at least one server over at least one of a 802.11 data network or a cellular telecommunications network for viewing by said plurality of wireless hand held devices, wherein the transmitter/receiver is responsible to upload said media content to said cellular telecommunications network to distribute to the plurality of wireless hand held devices.

The Applicant again respectfully disagrees with the rejection utilizing Monroe -- a surveillance and monitoring system. That is, Monroe is utilized in the field of security monitoring. For example, a security system may be in place in a building and Monroe utilized to prevent the building from robbed or vandalized due to the presence of the surveillance and monitoring system of Monroe. The Monroe patent thus is an improvement to close circuit security surveillance systems. It would not make sense for one skilled in the art to take a secure sureveillance monitoring system and open it up to sports fans, for example, for this would defeat the purpose of Monroe, i.e., surveillance and security, in which security is of prime concern. Thus, one skilled in the art would not be inclined to combine Monroe with Verna because Verna

teaches the opposite of Monroe. Verna teaches a television broadcast system that everyone (e.g., sports fans) can access via the device 220 of Monroe. This would render the closed-circuit security and surveillance aspects of Verna useless.

Applicant further notes that neither Monroe nor Verna, alone or in combination with one another, teach, suggest or disclose in-play cameras or in-play camera views. For example, Column 15, lines 17-65, and figure 9:20 and 44 of Monroe provide no teaching, suggestion or disclosure of cameras mounted, for example, as an in-play camera in a racing car, etc.

**Regarding claim 171**, the Examiner asserted that Verna discloses the use of a recorder adapted to record a particular in-play camera view of said at least one in-play camera view received by said at least one wireless hand held device in response to a user input (column 15, lines 24-65, and column 19, lines 7-31; the user selects which camera views are to be transmitted to the handheld device, and when they are received, they are sent to storage unit 212).

Applicant respectfully disagrees with this assessment and submits that the arguments presented above against the rejection to claim 170 apply equally against the rejection to claim 171. Applicant therefore submits that the rejection to claim 171 is also traversed. Applicant respectfully requests withdrawal of the rejection to claim 171.

**Regarding claim 172**, the Examiner argued that Verna discloses the use of a storage mechanism adapted to store a particular in-play camera view of said at least one in-play camera view received by said at least one wireless hand held device in response to a user input (column 15, lines 24-

65, and column 19, lines 7-31; the user selects which camera views are to be transmitted to the handheld device, and when they are received, they are sent to storage unit 212).

Applicant respectfully disagrees with this assessment and submits that the arguments presented above against the rejection to claim 170 apply equally against the rejection to claim 172. Applicant therefore submits that the rejection to claim 172 is also traversed. Applicant respectfully requests withdrawal of the rejection to claim 172.

**Regarding claim 173**, the Examiner argued that Verna discloses that said storage mechanism comprises a memory location (column 15, lines 24-65, and column 19, lines 7-31; the user selects which camera views are to be transmitted to the handheld device, and when they are received, they are sent to storage unit 212).

Applicant respectfully disagrees with this assessment and submits that the arguments presented above against the rejection to claim 170 apply equally against the rejection to claim 173. Applicant therefore submits that the rejection to claim 173 is also traversed. Applicant respectfully requests withdrawal of the rejection to claim 173.

**Regarding claim 174**, the Examiner argued that Verna discloses memory location comprises storage media (column 15, lines 24-65, and column 19, lines 7-31; the user selects which camera views are to be transmitted to the handheld device, and when they are received, they are sent to storage unit).

Applicant respectfully disagrees with this assessment and submits that the arguments presented above against the rejection to claim 170 apply



equally against the rejection to claim 174. Applicant therefore submits that the rejection to claim 174 is also traversed. Applicant respectfully requests withdrawal of the rejection to claim 174.

**Regarding claim 175**, the claim has been cancelled in view of adequate coverage by other independent claims.

#### **IV. Secondary Considerations**

As indicated above, in the office action dated April 13, 2010 Claims 127-137 were rejected under 35 U.S.C. 103(a) as being unpatentable over Verna (US Patent 6,681,398), in view of Applicant's Admitted Prior Art (AAPA), and further in view of Leermakers (US Pub. 2003/0105845). Additionally, in the office action of April 13, 2010, claims 138-175 were rejected under 35 U.S.C. 103(a) as being unpatentable over Monroe (US Patent 6,970,183) in view of Verna (US Patent 6,681,398).

Applicant notes that the Supreme Court set forth four factors that must be considered in determining whether a claimed invention is invalid because it is obvious. These factors are: (1) the scope and content of the prior art, (2) differences between the prior art and the claims at issue, (3) the level of ordinary skill in the pertinent art, and (4) "objective" or "secondary" considerations, such as whether there was a long-felt need for the claimed invention, the failure of others, or whether the claimed invention has enjoyed commercial success. *Graham v. John Deere Co.*, 383 U.S. 1, 17-18 (1966).

Secondary considerations are utilized to, inter alia, focus attention on the economic and motivational issues rather than on technical issues. The economic and motivation issues are "more susceptible of judicial treatment

than are highly technical facts often present in patent litigation.” Id. at 36. The Federal Circuit has found that “evidence of secondary considerations may often be the most probative and cogent evidence in the record.” *Stratoflex Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 38 (Fed. Cir. 1983), see also *In re Mayne*, 104 F.3d 1339 (Fed. Cir. 1997).

Some examples of secondary considerations include the commercial success of the claimed invention and the commercial acquiescence by market competitors. Licenses can be used as evidence of either of these secondary considerations.

The commercial success of a product embodying a claimed invention is often used as evidence of nonobviousness. The courts suggest that evidence of commercial success is relevant to the question of obviousness because competitors would have been economically motivated to make the invention before the inventor if the invention had been obvious. *Minnesota Mining & Manufacturing Co. v. Research Medical Inc.*, 679 F. Supp. 1037, 1054 (D. Utah 1988). The courts proffer that if the commercial success is based upon the capturing of a large market share or upon the licensing of the invention to competitors, such actions tend to support the finding that the claimed invention is superior to existing products and is therefore a nonobvious advance over the prior art. *Tennant Co. v. Hako Minuteman, Inc.*, 22 USPQ2d 1161, 1177 (N.D. Ill. 1991). Evidence of commercial success includes a showing of growth in market share, a decrease in market share after other companies begin infringing, and licensing to other companies.

The commercial acquiescence of a claimed invention is also used as evidence of nonobviousness under the theory that a license is generally a statement against the licensee’s interest. That is, a licensee does not generally act in a manner contrary to his economic self-interest unless

convinced of the validity of the patent or of the nonobviousness of the claimed invention in a pending patent application.

Thus, in addition to the arguments presented by the Applicant in the response/amendment filed July 1, 2010 in response to the Office Action of April 28, 2010, Applicants respectfully submit that Applicant's claimed invention, as supported by the attached declaration under 37 C.F.R. § 1.132, exhibits commercial success directly resulting from after-arising incorporation of the claimed invention via a license Agreement ("Agreement") that has been entered into between the Assignee, Front Row Technologies, LLC ("Front Row") of Applicant and a licensee, Kangaroo Media Inc. ("Kangaroo"), which is evidence of commercial success. Kangaroo, which was on the verge of bankruptcy prior to acceptance of the Agreement, has enjoyed commercial success following final acceptance of the Agreement, which includes a license to U.S. Patent Application Serial No. 10/015,458 and a portfolio of related patents and pending applications.

Applicant submits that this commercial success enjoyed by Kangaroo is a direct result of having entered into such a license with Front Row, which made Kangaroo more attractive to those seeking to enter into separate business arrangements, which in turn have led to a broader market share for Kangaroo. In addition to use of the licensed technology at NASCAR and F1 auto racing events, Kangaroo is now using the licensed technology at NFL venues (e.g., Miami Dolphins) and PGA tournaments.

The commercial acquiescence by Kangaroo of the claimed invention of U.S. Patent Application Serial No. 10/015,458 is evidence of nonobviousness due to the fact that the Agreement is generally a statement against the licensee's (i.e., Kangaroo) interest. That is, a licensee does not generally act in a manner that is contrary to his or her economic self-interest unless

convinced of the validity of the patent or the nonobviousness of the claimed invention in a pending patent application such as that of Applicant's pending application.

Thus, the after-arising incorporation of the claimed invention into competitor's products directly resulted in commercial success, as evidenced by the attached 37 C.F.R. § 1.132 Declaration submitted herewith, and as argued above and thus is evidence of non-obviousness with respect to Verna, AAPA, Leermakers and/or Monroe, alone or in combination with one another.

## **V. Conclusion**

Accordingly, it is respectfully submitted that the aforementioned rejections are overcome and respectfully requested that the rejections be withdrawn.

Respectfully submitted,

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